

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**LUCIO ABEL,**

Plaintiff,

V.

**MARK PIERSON, et al.,**

Defendants.

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Civil No. **05-264-GPM**

**ORDER**

**PROUD, Magistrate Judge:**

Before the Court is plaintiff's motion for appointment of an interpreter or the disbursement of funds to enable plaintiff to hire an interpreter. **(Doc. 35).**

Plaintiff has little or no ability to converse in English, and his appointed counsel does not speak Spanish. Obviously, the appointment of counsel is meaningless if attorney and client cannot communicate. Therefore, plaintiff's motion is well taken and the Court certifies that plaintiff requires interpretive services in this action, both for pretrial preparation, and for all judicial proceedings. ***See* 28 U.S.C. § 1827(d).**

In accordance with the Administrative Office of U.S. Courts' interpretation and application of the Court Interpreters Act, 28 U.S.C. §§ 18127 and 1828, the Court pays for the use of a court-approved "qualified" interpreter at all judicial proceedings. In the event plaintiff prevails in this action, the cost of the interpreter for pretrial and trial purposes would be recoverable as a cost of litigation, and the Court would be reimbursed for the portion of expenses incurred at judicial proceedings. ***See* 28 U.S.C. §§ 1920(6) and 1828(c).** If plaintiff does not prevail in this action, the cost of an interpreter for pretrial purposes is reimbursable to appointed

counsel through the District Court Fund. *See* **ILSD Administrative Order No. 83, Plan for the Administration of the District Court Fund, ¶¶ H and I.** The Chairperson of the Fund has authorized reimbursement up to \$2,500.00 for all out-of-pocket expenses incurred in this action, including the use of an interpreter for pretrial purposes. Formal application for reimbursement is made at the conclusion of the action. Plaintiff's counsel may contact the Clerk of Court for the list of the court-approved interpreters, but plaintiff may also elect to use any interpreter of his choosing for pretrial purposes.

**IT IS THEREFORE ORDERED** that plaintiff's motion for appointment of an interpreter or for disbursement of funds to hire an interpreter (**Doc. 35**) is **GRANTED IN PART AND DENIED IN PART.** The Court hereby certifies that plaintiff qualifies for an interpreter under the Court Interpreters Act. The Court will provide a court-approved "qualified" interpreter for all judicial proceedings. Plaintiff's counsel may utilize a court-approved "qualified" interpreter for pretrial preparation, or an interpreter of his choice. In the event plaintiff prevails in this action, all interpreter services will be recoverable as costs. In the event plaintiff does not prevail in this action, pretrial interpretive services may be recovered, along with all other costs, from the District Court Fund, up to \$2,500.00.

**IT IS SO ORDERED.**

**DATED: February 9, 2007**

s/ Clifford J. Proud  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**